

REMARKS

The Office Action dated November 1, 2007 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1 and 10-13 have been amended to more particularly point out and distinctly claim the subject matter of the invention. No new matter has been added and no new issues are raised which require further consideration or search.

Claims 1 and 10-13 have been objected to because of minor claim language informalities. Applicants have amended claims 1 and 10-13 in accordance with Examiner's suggestions to overcome the objections. Withdrawal of the objections is kindly requested.

Claims 1-3, 6-13 and 16-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Weberhofer (U.S. Patent No. 6,014,384) in view of paragraph [0003] of Applicant's disclosure, hereinafter 'A.D. [0003]'. The Office Action took the position that Weberhofer discloses all of the elements of the claims, with the exception of a packet handling engine, communicatively coupled to the packet receiving engine, for measuring the bucket coupled to the packet type filter that filters for the type of packet received and for transmitting the received packet if the measured bucket is above a threshold value. The Office Action then cited A.D. [0003] as allegedly curing this deficiency in Weberhofer. This rejection is respectfully traversed for at least the following reasons.

Claim 1, upon which claims 2-9 are dependent, recites a method that includes setting a plurality of packet type filters so that each of said packet type filters performs filtering for a different packet type, and incrementing a plurality of buckets, each bucket communicatively coupled to a packet type filter of the plurality of filters. The method further includes receiving a packet having a packet type, measuring the bucket that is coupled to the packet type filter that filters for the received packet type, and transmitting the packet if its measured bucket is above a threshold value.

Claim 10 recites a system which includes means for setting a plurality of packet type filters so that each of said packet type filters performs filtering for a different packet type, and means for incrementing a plurality of buckets, each bucket communicatively coupled to a packet type filter of the plurality of filters. The system further includes means for receiving a packet having a packet type, means for measuring the bucket that is coupled to the packet type filter that filters for the received packet type, and means for transmitting the packet if the measured bucket is above a threshold value.

Claim 11, upon which claims 12-19 are dependent, recites a system that includes a packet receiving engine, configured to receive packets of at least a first type and a second type, a plurality of buckets, each communicatively coupled to the packet receiving engine, each communicatively coupled to a packet type filter of a plurality of packet type filters, each packet type filter being configured to filter at least one packet type. The system further includes a bucket updating engine, communicatively coupled to the packet receiving engine, configured to increment a first bucket and a second bucket, a packet

handling engine, communicatively coupled to the packet receiving engine, configured to measure the bucket coupled to the packet type filter that filters for the type of packet received, and configured to transmit the received packet if the measured bucket is above a threshold value.

As will be discussed below, the combination of Weberhofer and A.D. [0003] fails to disclose or suggest all of the elements of the claims, and therefore fails to provide the features discussed above. The rejection is respectfully traversed for at least the following reasons.

Weberhofer discloses a method for controlling data traffic in an ATM network. The ATM cells are processed according to their assignment to one of a plurality of quality of service (QoS) classes. The ATM cells are first identified using a mapper 18 which determines the QoS class of the ATM cell and directs the identified ATM cell to the proper queue 19.1, 19.2, 19.3 or 19.4 based on an assigned transmission priority (see column 4, lines 45-50 and FIG. 2 of Weberhofer). The mapper 18 is further configured to assign QoS classes to the ATM cells based on the information contained in the header of the ATM cells and an allocation table (see column 5, lines 3-6 of Weberhofer).

Weberhofer does not teach or suggest “setting a plurality of packet type filters so that each of said packet type filters performs filtering for a different packet type”, as recited, in part, in claim 1. (Emphasis added) The Office Action concluded that the mapper 18 and queues 19.1, 19.2, 19.3 and 19.3 are the same as a plurality of packet type

filters. Applicants disagree and submit that the mapper 18 and the queues 19.1, 19.2, 19.3 and 19.4 do not teach a plurality of filters, as recited, in part, in claim 1.

The queues 19.1, 19.2, 19.3 and 19.4 are passive components of the ATM data traffic control system of Weberhofer which do not filter the type of ATM cell stored in each of the different queues 19.1-19.4. The mapper 18 represents a single unit which reads the header information of ATM cells input from data input point 16 to determine the priority level of the ATM cell and which priority queue (19.1-19.4) to forward the ATM cell. (Emphasis added) The queues 19.1-19.4 store the forwarded ATM cells until the arbiter determines which queue is next to be emptied at which time the ATM cells are removed from the appropriate queue.

Contrary to the mapper 18 and queues 19.1-19.4 of Weberhofer, the subject matter recited in claim 1 recites, in part, “setting a plurality of packet type filters so that each of said packet type filters performs filtering for a different packet type.” (Emphasis added) Weberhofer does not disclose a plurality of packet type filters and further does not disclose different filters for different packet types, as recited, in part, in claim 1.

With regard to A.D. [0003], Applicants submit that A.D. [0003] does not cure the above-noted deficiencies of Weberhofer with regard to claim 1. A.D. [0003] discloses that buckets may be used to control the transmission of packets throughout a network. Incrementing/decrementing the buckets controls the input and output of data packets to and from the buckets. A threshold level is used to determine if packets need to be dropped from entering the bucket, or if other preventative measures are necessary. A.D.

[0003] does not provide any support for the above-noted deficiencies of Weberhofer. In particular, A.D. [0003] does not teach or suggest “setting a plurality of packet type filters so that each of said packet type filters performs filtering for a different packet type”, as recited, in part, in claim 1. (Emphasis added)

For at least the reasons discussed above, Applicants respectfully submit that Weberhofer and A.D. [0003], together or in combination, fail to teach or suggest all of the elements of independent claim 1, and similarly independent claims 10-11. By virtue of dependency, claims 2-9 and 12-19 are also allowable over Weberhofer and A.D. [0003]. Withdrawal of the rejection of those claims and an allowance thereof is respectfully requested.

Claims 4-5 and 14-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Weberhofer in view of A.D. [0003], and in further view of Zhang (U.S. Patent No. 7,130,917). Applicants respectfully traverse this rejection.

Weberhofer in view of A.D. [0003] are discussed above. Zhang discloses a method for providing a QoS to gateway users in a data traffic network. A host object represents a user who subscribes to a particular service and an appropriate provisioning scheme is used to determine which packets to discard when a traffic limit has been exceeded.

Claims 4-5 and 14-15 are dependent upon claims 1 and 11 and inherit all of the limitations thereof. As discussed above, the combination of Weberhofer and A.D. [0003] fail to disclose or suggest all of the elements of claims 1 and 11. In addition, Zhang fails

to cure the deficiencies in Weberhofer and A.D. [0003] as Zhang also fails to teach or suggest “setting a plurality of packet type filters so that each of said packet type filters performs filtering for a different packet type”, as recited, in part, in claim 1. (Emphasis added) Thus, the combination of Weberhofer, A.D. [0003] and Zhang fails to teach or suggest all of the elements of claims 4-5 and 14-15. Furthermore, claims 4-5 and 14-15 should be allowed for at least their dependence upon claims 1 and 11, and for the specific limitations recited therein.

For at least the reasons discussed above, Applicants respectfully submit that the cited references fail to teach or suggest all of the elements of the claimed invention. These distinctions are more than sufficient to render the claimed invention unanticipated and unobvious. It is therefore respectfully requested that all of claims 1-19 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant’s undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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